

In the High Court of Judicature at Madras

Dated: 03.09.2015

Coram:

The Honourable Mr. Justice SATISH K. AGNIHOTRI
AND
The Honourable Mr. Justice K.K. SASIDHARAN

W.A.No.1031 of 2015
& M.P.No.1 of 2015

The State of Tamil Nadu
Rep. by Secretary to Government
Rural Development and Panchayat Raj
Department
Fort St. George
Chennai-600 009.

...Appellant

vs.

G. Ramalingam

...Respondent

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 15.07.2011 in W.P.No.13296 of 2006 (T) (O.A.No.3757 of 2001) on the file of this Court.

WP.No.13296/06:

This Petition come to be numbered under Article 226 of the Constitution of India, by way of transfer from the Tamil Nadu Administrative Tribunal, Chennai in OA.No.3757/2001, praying for a writ of certiorarified mandamus to call for the records of the respondent herein relating to Lr.No.8410/E7/2000-7 Rural Development Department dated 9.1.2001 and G.O.(3D) No.25 Rural Development Dept. dt. 29.9.1994 and quash the same and issue directions to the respondent to pass orders:-

(a) to regularise the applicants services and absorbing him as Junior Assistant with effect from 7.7.1981

(b) to declare that he had satisfactorily completed the period of probation in the post of junior Assistant on 6.7.1983 afternoon .

(c) to declare inclusion of his name in the panel for promotion as petitioner in accordance with his seniority and other qualifications and

(d) to grant consequential service & monetary benefits.

For Appellant : Mrs. A. Srijayanthi
Spl. Govt. Pleader

For Respondent : N.A.

JUDGMENT

(Judgment of the Court was delivered by K.K.SASIDHARAN, J)

The appellant has come up with this intra-court appeal without making a genuine attempt to read the order passed by the learned Single Judge in its entirety.

2. Heard the learned Special Government Pleader appearing on behalf of the appellant.

3. The respondent was initially appointed as Junior Assistant at Panchayat Union, Ammapet, Thanjavur. He was later absorbed as an employee of District Rural Development Agency, Thanjavur on temporary basis. The order passed by the District Rural Development Agency terminating the respondent from service was challenged by him in W.P.No.12306 of 1983. The writ petition was allowed, in view of the Government Order in G.O.Ms.No.457, Rural Development (IRD-II) Department, dated 5 August 1989. The Government thereafter regularised the services of the petitioner.

4. The Commissioner of Panchayat Union, Thanjavur and the District Collector, Thanjavur vide proceedings dated 19 November 1999 and 5 January 2006 respectively made it clear that there is no need to send the respondent to undergo Bhavanisagar Fundamental Course Training. However, the Government passed an order on 9 January 2001 to the effect that the respondent is not eligible for declaration of his probation and further promotion on account of his failure to undergo Bhavanisagar Fundamental Course Training. The respondent thereafter filed O.A.No.3757 of 2001 before the State Administrative Tribunal challenging the order dated 29 September 1994 and the proceedings dated 9 January 2001 which was later transferred to this Court and renumbered as W.P.No.13296 of 2006.

5. The learned Single Judge while observing that the respondent was not at fault as it was the decision of the Government not to send him for training, directed the appellant to grant him benefits that would flow from the order in G.O (3D) No.25, Rural Development Department, dated 29 September 1994 within a period of twelve weeks. The appellant mistook the said order as one conferring additional benefits and the same resulted in filing this intra court appeal.

6. The Commissioner of Panchayat and District Collector, Thanjavur exempted the petitioner from undergoing Bhavanisagar Fundamental Course Training. Such being the position, the Government was not correct in declining to declare the probation of the respondent and denying him further promotion. It was only the said order which was essentially quashed by the learned Single Judge. The other direction to grant the benefits to the petitioner on the basis of the Government Order in G.O (3D) No.25, Rural Development Department, dated 29 September 1994 within a period of twelve weeks would not in any way affects the case of the respondent. The said Government Order regularised the services of the respondent with effect from 5 August 1989. No other additional benefit was given to the respondent by the learned Single Judge. We are therefore of the view that there is absolutely no merit in the contention taken by the appellant.

7. In the upshot, we dismiss the intra court appeal. Consequently, the connected MP is closed. No costs.

-Sd/-

Assistant Registrar (cs-III)

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To

The Secretary to the Government of Tamil Nadu
Rural Development and Panchayat Raj
Department
Fort St. George
Chennai-600 009.

+1 cc to Mr.M.Ravi, Advocate (sr.47865)
+1 cc to Government Pleader (sr.48126)

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cp 29/09/2015